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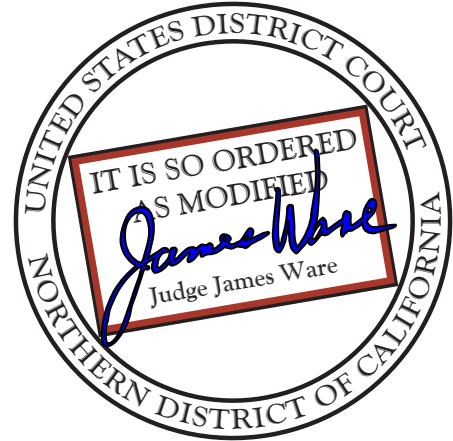
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19 Attorneys for Plaintiffs
20 JOSEPH BIRDSOING and BRUCE WAGGONER,
individually and on behalf of others similarly
21 situated

22 [Additional Counsel Listed on Signature Page]
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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 JOSEPH BIRDSOING and BRUCE
6 WAGGONER, individually and on behalf
of others similarly situated,

7 Plaintiffs,

8 v.

9 APPLE INC.,

10 Defendant.

Case No. C 06-02280 JW PVT

Judge: Hon. James Ware

**STIPULATION EXTENDING
DEFENDANT'S DEADLINE TO RESPOND
TO COMPLAINT;**

**STIPULATED REQUEST FOR ORDER RE
BRIEFING SCHEDULE**

**ORDER VACATING CASE
MANAGEMENT CONFERENCE**

12 WHEREAS the Response to Plaintiffs' Third Amended Complaint is due January 30,
13 2008;

14 WHEREAS the parties agree that in light of the nature of the issues and pre-existing
15 scheduling commitments they require additional time to address the issues raised by the Third
16 Amended Complaint;

17 WHEREAS this stipulated briefing schedule will not have any effect on the current
18 schedule as the Court has not yet issued a case management order;

19 WHEREAS there have been no previous time modifications relating to this Third
20 Amended Complaint;

21 IT IS HEREBY STIPULATED AND REQUESTED by Plaintiffs Joseph Birdsong and
22 Bruce Waggoner, individually and as representatives of the putative Class, and Defendant Apple
23 Inc., pursuant to Fed. R. Civ. P. 6(b), N.D. Cal. Civil L.R. 6-1(a), and N.D. Cal. Civil L.R. 6-2,
24 and consistent with the parties' prior agreements, that the briefing schedule for Defendant
25 Apple's Motion to Dismiss Plaintiffs' Third Amended Complaint be as follows:

26 Apple's Motion to Dismiss Plaintiffs' Third Amended Complaint shall be filed on or
27 before February 15, 2008;

28 Plaintiffs' Opposition to Apple's Motion to Dismiss shall be filed on or before March 21,

2008; and

Apple's Reply to Plaintiffs' Opposition shall be filed on or before April 11, 2008.

Plaintiffs and Defendant shall meet and confer regarding a date for hearing mutually convenient to the Parties and the Court and in compliance with the Local Rules.

WHEREFORE, based on the foregoing and for good cause shown, the Parties respectfully request that this Court accept the parties stipulated briefing schedule as set forth above.

IT IS SO STIPULATED.

Dated: January 30, 2008

Dated: January 30, 2008

HAGENS BERMAN SOBOL SHAPIRO LLP

KIRKLAND & ELLIS LLP

By: /s/ Jeff D. Friedman

By: /s/ James A. Lico

Jeff D. Friedman

James A. Lico
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~~(PROPOSED)~~ ORDER

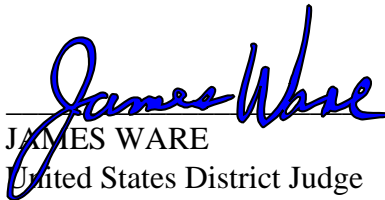
The Court modifies the parties' Stipulation as follows:

- (1) Defendant shall file its Motion to Dismiss on or before **February 15, 2008;**
- (2) Plaintiffs shall file its Opposition on or before **March 21, 2008;**
- (3) Defendant's Reply, if any, shall be filed on or before **April 7, 2008.**

The hearing on Defendant's Motion to Dismiss the Third Amended Complaint is set for **April 21, 2008 at 9 A.M.** In light of this Order, the Court VACATES the Case Management Conference presently set for February 4, 2008. The Court will set a new Case Management Conference date in its order addressing Defendant's motion.

The parties may not stipulate to an alternative briefing schedule without the Court's approval.

Dated: January 31, 2008



JAMES WARE
United States District Judge

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, James A. Lico, hereby declare under penalty of perjury under the laws of the United States that Jeff D. Friedman, counsel for Plaintiffs, and I, counsel for Apple Inc., concurred in the filing of the Stipulated Request for Order re Briefing Schedule.

Executed on January 30, 2008 in San Francisco, California.

s/ James A. Lico

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s/ Jennifer D. Posada